

Florida

Department of Highway Safety and Motor Vehicles

Division of Motorist Services

PROCEDURE	SUBJECT:
RS-68	BICYCLE WITH A GAS MOTOR (DEFINED AS A MOPED)
<p>DESCRIPTION AND USE:</p> <p>THIS PROCEDURE PROVIDES INFORMATION AND INSTRUCTIONS TO ASSIST EMPLOYEES OF TAX COLLECTORS, LICENSE PLATE AGENTS, AND THE DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES WITH PROCESSING A REGISTRATION FOR A BICYCLE WHICH HAS BEEN ASSEMBLED WITH A GAS (NOT ELECTRIC) MOTOR.</p>	
<p>I. PROVISIONS OF LAW:</p> <p><u>Section 316.003(4), Florida Statutes</u>, defines bicycle as every vehicle propelled solely by human power, and every motorized bicycle propelled by a combination of human power and an <u>electric</u> helper motor capable of propelling the vehicle at a speed of not more than 20 miles per hour on level ground upon which any person may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device. No person under the age of 16 may operate or ride upon a motorized bicycle.</p> <p><u>Section 316.46, Florida Statutes</u>, states that no person may operate a moped that does not conform to all applicable federal motor vehicle safety standards relating to lights and safety and other equipment contained in Title 49, Code of Federal Regulations. A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.</p> <p><u>Section 320.01(1)(a), Florida Statutes</u>, defines motor vehicle as an automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but the term does not include traction engines, road rollers, special mobile equipment as defined in s. <u>316.003(48)</u>, vehicles that run only upon a track, bicycles, swamp buggies, or mopeds.</p> <p><u>Section 320.01(27), Florida Statutes</u>, defines moped as any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels, with a motor rated not in excess of 2 brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground, and with a power-drive system that functions directly or automatically without clutching or shifting gears by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters.</p>	
<p><i>Revision(s) to this Procedure: Conducted statutory review, added Historical Revisions section and added links to statutes, form, and procedure. Removed "Note" references and changed applicant to customer.</i></p>	
EFFECTIVE DATE	REVISION DATE
Immediately	05/29/19

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<p>II. GENERAL INFORMATION:</p> <p>A. This procedure (RS-68) is applicable when a <u>gas</u> motor/engine kit has been installed on a bicycle frame and the motor:</p> <ul style="list-style-type: none">• <u>Is not</u> rated in excess of 2 brake horsepower• <u>Is not</u> capable of propelling the vehicle at a speed greater than 30 mph on level ground• Displacement does not exceed 50ccs <p>If all the above applies, the vehicle would fall within the classification of a moped. Therefore, it would be required to be registered, but not titled.</p> <p>B. The operator of a gas-powered bicycle (moped) is required to follow the rules of the road and safety equipment requirements of section 316.208, 316.2085 and 316.211, Florida Statutes.</p> <p>C. The customer must be directed to a Division of Motorist Services (DMS) Regional Office in his/her region. A compliance examiner will inspect the motorized bicycle and if it is found to be compliant as a moped, a VIN decal will be assigned. The Regional office will then issue a registration and motorcycle license plate to the gas-powered bicycle (moped).</p> <p>D. When a <u>gas</u> motor/engine kit has been installed on a bicycle frame and the motor <u>IS</u> rated in excess of 2 brake horsepower and its top speed exceeds that for a moped (greater than 30 mph) on level ground, the vehicle would be classified as a motorcycle. Therefore, it must be titled and registered as a motorcycle. See Procedure TL-43 for assembled from parts instructions for a motorcycle.</p> <p>E. The agent should direct the customer to law enforcement if there are any questions as to where the motorized bicycle can be used.</p> <p>F. ASPT (assembled from parts) is a designation used for bicycles that are assembled with a new or used gas motor and placed on an existing frame.</p> <p>The motorized bicycle must be in its completed state before a VIN decal will be assigned for registration purposes. The bicycle owner must contact a Division of Motorist Services (DMS) Regional Office in his/her region to have the bicycle inspected.</p> <p>The <u>owner</u> should be prepared to give the DMS Compliance Examiner all the original documents (see section III. below).</p> <p>If the application is rejected, the DMS Compliance Examiner will hold the paperwork until the reason for the rejection has been satisfied.</p> <p>An initial inspection fee of \$40 will be charged; subsequent inspection fees (if applicable) are \$20 per inspection.</p>	
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III. DOCUMENTATION REQUIRED AND SPECIAL INSTRUCTIONS:

The bicycle (moped) will be registered with "ASPT" as the MAKE and the model YEAR will be the year the bicycle (moped) is assembled. An "FLA" (Florida Assigned Vehicle Identification Number) decal will be assigned by a DMS Compliance Examiner to the bicycle (moped) when the bicycle is inspected and found to be in compliance with Federal safety standards (see section [316.46, Florida Statutes](#)). The Regional Office will maintain all original documents.

Mopeds used on the highways of this state ARE required to be registered; however, they are NOT required to be titled.

The following documentation is required to qualify the motorized bicycle (moped) for registration through the Regional Office:

- A. Form [HSMV 84490](#), Statement of Builder, accurately completed, by the customer and the DMS Compliance Examiner. The new "FLA" number (which was assigned by the DMS Compliance Examiner) must be included on the form.
- B. The original bills of sale or receipts with name, address, and signature of the seller for all major component parts (when applicable). The identification number (when applicable) for each major component part used to assemble the moped must be shown on the bill of sale/receipt for that part. The bill of sale or receipt for the engine must also include the year of the engine. Receipts/bills of sale must be in the name of the customer/builder.

Bicycle/moped major component parts are defined as:

- 1. The bicycle frame.
- 2. The gasoline motor (2 brake HP or less and does not exceed 50CCs).

If the motor exceeds the 2 brake HP and 50 CCs, it would be considered a motorcycle. See [Procedure TL-43](#) for assembled from parts instructions for a motorcycle.

- C. An "Affidavit For Inspection of a Motorized Bicycle Converted to a Moped" signed by the customer. See Exhibit A.
- D. Florida sales tax, when applicable. Sales tax must be collected according to the purchase price of all component part bills of sale where sales tax was not already collected.
- E. Registration Fees.

When the registration transaction is processed by the Regional Office, he/she must enter the Region number who inspected the vehicle and the audit number of the FLA decal affixed to the moped in the "Comment Desc." Field.

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IV. MISCELLANEOUS INFORMATION:

- A. Assigned "FLA" decals must be placed on the frame of the motorized bicycle (moped).
- B. Remove the red and white decal from the clear laminate strip and affix. Slice through the decal before placing the clear laminate strip on top of the decal.
- C. Customers are responsible for scheduling an appointment with a DMS Compliance Examiner for examination of their documents.
- D. The odometer reading on a motorized bicycle (moped) that has been assembled from parts will be branded NOT ACTUAL MILEAGE.
- E. An "Affidavit for Inspection of a Motorized Bicycle Converted to a Moped" is attached as Exhibit A.
- F. A list of Questions and Answers (Assembled From Parts) is attached as Exhibit B.

Historical Revisions:
5/12/2014 – New Procedure

EXHIBIT A

AFFIDAVIT FOR INSPECTION OF A MOTORIZED BICYCLE CONVERTED TO A MOPED

I, _____, hereby affirm the vehicle I am submitting for
(Printed name of customer)

inspection meets the definition of a moped as defined in Section 320.01(27), Florida Statutes. A moped is defined as any vehicle with pedals to permit propulsion by human power, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels, with a motor rated not in excess of 2 brake horsepower and not capable of propelling the vehicle at a speed greater than 30 miles per hour on level ground, and with a power-drive system that functions directly or automatically without clutching or shifting gears by the operator after the drive system is engaged. If an internal combustion engine is used, the displacement may not exceed 50 cubic centimeters.

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT ARE TRUE.

(Signature of customer)

EXHIBIT B

FREQUENTLY ASKED QUESTIONS AND ANSWERS (ASSEMBLED FROM PARTS MOTORIZED BICYCLE)

1. Scenario: A company is advertising on TV a gas engine kit that can be added to a bicycle. The engine is tied into the pedal system like a moped and it must be pedaled to start the engine. It is advertised that the bicycle will be propelled to 30MPH.

 Q. How is the tax collector supposed to register this bicycle/gas engine assembly?

 A. The definition of bicycle under s. [316.003\(4\)](#), F.S., includes motorized bicycles propelled by a combination of human power and an electric helper motor capable of propelling the vehicle at a speed of not more than 20 mph on level ground. Bicycles and motorized bicycles, as defined above, are not registered or titled. Engine kits for bicycles are not new and there are a variety of kits available. If a gas engine kit is installed on a bicycle, which is not rated in excess of 2 brake horsepower and not capable of propelling the vehicle at a speed greater than 30 mph on level ground, the vehicle would fall within the classification of a moped and be required to be registered as a moped. If the gas motor or top speed exceeds that for a moped, then the vehicle should be classified as a motorcycle. There are other requirements that must be met to be classified as a motorcycle such as frame assembly and safety features. The operator of a gas-powered bicycle (moped) is required to follow the rules of the road and safety equipment requirements of sections [316.208](#), [316.2085](#) and [316.211](#), Florida Statutes. The agent should also direct the customer to law enforcement if there are any questions as to where the motorized bicycle can be used.

2. Q. Does a bicycle with a gas-powered motor, which allows it to obtain speeds up to 30 mph meet the statutory definition of a motor vehicle and require a driver license to operate?

 A. Yes, a driver license and registration are required.